

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PALM SPRINGS-SOUTH COAST FIELD OFFICE

CATEGORICAL EXCLUSION REVIEW AND DECISION RECORD

CX Number: CA-660-05-72

Name of Proposed Action: Riverside County CALA-0133452

Legal Description: Township 3S., Range 4 E., Section 12 SBBM.
Riverside County (Whitewater Hill)

Land Use Plan conformance: In compliance with 43CFR1610.5-3 and BLM MS1617.3, the proposed action is in conformance with the California Desert Conservation Area Plan (1980 as amended).

Description of Proposed Action: A. This action is to amend their communication site right-of-way grant to allow for the expiration date of June 13, 2005, to be extended until June 12, 2035 and the conversion of the grant from the Act of March 4, 1911 to the current public Law 94-579 the Federal Land Policy Management Act (FLPMA). Public Law 94-579 repealed the original issuing authority (Act of March 4, 1911). No new changes are being granted with this authorization.

Categorical Exclusion Reference: 516 DM 6, Appendix 5, E9 - E11:
E-9: Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

E-11P: Conversion of existing right-of-way grants to title 5 grants or existing leases to FLPMA section 302 (b) leases where no new facilities or other changes are needed.

Screening for Exceptions: The following exceptions apply to individual actions within categorical exclusions (516 DM, Appendix 2). The author and/or indicated specialist must verify that the Proposed Action does not:

2.1	Have significant adverse effects of public health or safety?	NO
2.2	Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farm lands, wet lands, flood plains, or ecologically significant or critical areas, including those listed on the Department=s National Register of National Landmarks?	NO
2.3	Have highly controversial environmental affects?	NO
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	NO

2.5	Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects?	NO
2.6	Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?	NO
2.7	Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?	NO
2.8	Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated critical habitat for these species?	NO
2.9	Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?	NO
2.10	Threaten to violate a Federal, State, or local or tribal law or requirement imposed for the protection of the environment?	NO

Prepared by: Claude Kirby, Realty Specialist

DECISION: It is my decision to approve the proposed action as described in Categorical Exclusion (CX) number CA-660-05-72. I find this action conforms with 516 Departmental Manual (DM) 5, E-9, E-11 and DM 6 with no exceptions. I further find this action in conformance with applicable land use plans and that it will not cause unnecessary or undue degradation. A copy of this Decision Record and attendant conditions of approval shall be in the possession of the on-site operator during all undertakings approved herein.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR), Part 4, and the information provided in Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 690 West Garnet Avenue, P.O. Box 581260, North Palm Springs, California 92258, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land

Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant=s success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

APPROVED BY:

Field Manager
Palm Springs-South Coast Field Office
Bureau of Land Management
U.S. Department of the Interior
690 W. Garnet Avenue; P.O. Box 581260
North Palm Springs, CA 92258-1260

Date

